

STEPHANIE M. HINDS (CABN 154284)
Acting United States Attorney

HALLIE HOFFMAN (CABN 210020)
Chief, Criminal Division

MAIA T. PEREZ (MABN 672328)
Assistant United States Attorney

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408) 535-5061
FAX: (408) 535-5066
maia.perez@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	NO. 5:20-MJ-70971 MAG
)	
Plaintiff,)	STIPULATION AND REQUEST TO CONTINUE
)	STATUS CONFERENCE AND EXCLUDE TIME
v.)	UNDER THE SPEEDY TRIAL ACT FROM
)	AUGUST 31, 2021 TO SEPTEMBER 28, 2021 AND
TUYEN DUC PHAM,)	[PROPOSED] ORDER
)	
Defendant.)	[UNDER SEAL]

The United States charged Defendant Tuyen Duc Pham with 21 U.S.C. § 841(a)(1), (b)(1)(B) (Possession with Intent to Distribute and Distribution of Methamphetamine) and 18 U.S.C. §§ 922(a)(1)(A) and 2 (Dealing Firearms Without a License; Aiding and Abetting) via criminal complaint. Defendant has been arraigned on the criminal complaint and is scheduled for a status conference on August 31, 2021. Counsel for the United States and counsel for Mr. Pham now jointly stipulate and request to continue the August 31, 2021 status conference to September 28, 2021 at 1:00 p.m. The reason for this request is to afford the defense additional time to review discovery and investigate matters which may bear on the disposition of this case.

The parties further stipulate and request that, under the Speedy Trial Act, the Court exclude the

1 time from August 31, 2021 to the new date of the next status conference to allow for effective
2 preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and agree that
3 the ends of justice served by excluding time from August 31, 2021 to the date of the next status
4 conference from computation under the Speedy Trial Act outweigh the best interests of the public and
5 the defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv). Given the need investigate matters
6 bearing on disposition in this case, counsel for Mr. Pham represents that good cause also exists for
7 extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1(d) and
8 hereby consents on behalf of Mr. Pham to the requested continuance, to the extensions of time for the
9 preliminary hearing and for the 30-day time period for an indictment under the Speedy Trial Act (based
10 on the exclusions set forth above). *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b). Counsel for the
11 United States likewise consents to the extensions in the requests.

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13 **IT IS SO STIPULATED.**

STEPHANIE M. HINDS
Acting United States Attorney

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15 Dated: August 30, 2021

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18 /s/
MAIA T. PEREZ
Assistant United States Attorney

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21 /s/
MARK FLANAGAN
Counsel for Defendant Tuyen Duc Pham

~~[PROPOSED]~~ ORDER

Based upon the facts set forth in the stipulation of the parties and for good cause shown, IT IS HEREBY ORDERED that the status conference in this case is continued to September 28, 2021, at 1:00 p.m.

The Court finds that failing to exclude the time from August 31, 2021 until September 28, 2021 would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from August 31, 2021 until September 28, 2021 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial.

Therefore, with the consent of the defendant, and taking into account the public interest in the prompt disposition of criminal cases, based on the parties' showing of good cause, the Court finds good cause exists for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act (based on the exclusions set forth above). *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

With the consent of the parties, IT IS HEREBY ORDERED that the time from August 31, 2021 until September 28, 2021 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(b), 3161(h)(7)(A), (B)(iv) and the time limits for conducting a preliminary hearing are extended under Rule 5.1(d) of the Federal Rules of Criminal Procedure.

IT IS SO ORDERED.

DATED: August 31, 2021


HON. VIRGINIA K. DEMARCHI
UNITED STATES MAGISTRATE JUDGE